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the Elimination
of all Forms of
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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fifty-third session

CONSIDERATION OF REPORTS SUBMITTED BY STATES
PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the
Elimination of Racial Discrimination

Croatia

1. The Committee considered the initial, second and third periodic reports of Croatia (CERD/C/290/Add.1) at its 1276th and 1277th meetings, on 3 and 4 August 1998, and, at its 1295th meeting, on 17 August 1998, adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the report submitted by the State party, in particular the information on economic, social and cultural rights of minorities. The Committee further welcomes the supplementary information given to it during the examination of the report. It expresses its appreciation for the dialogue with the high-level delegation and for the answers given orally to the wide range of questions asked by members.

3. The Committee regrets, however, that the report contains information almost exclusively on the legal framework for the protection of rights of minorities and does not give sufficient information on the implementation of such legislation or on the extent to which minority communities enjoy the protection afforded by the Convention. The Committee further regrets that the report does not sufficiently respond to the Committee's concluding observations on the State party's special report examined in 1995 (A/50/18, paras. 163-178).

B. Factors and difficulties impeding the implementation of the Convention

4. The Committee notes that the State party is going through a difficult period of political, economic and social change as a consequence of the diverse conflicts in the former Yugoslavia, and that these factors, together with major population movements, have resulted in significant obstacles to the full implementation of the Convention.

C. Positive aspects

5. The Committee welcomes the ongoing process of gradual normalization of inter-ethnic relations on the territory of the State party. It expresses particular appreciation of the declared commitment of the State party to undertake confidence-building measures in this field and welcomes its spirit of cooperation with the Committee and appropriate United Nations bodies.

D. Principal subjects of concern

6. The Committee reiterates its observations regarding the lack of clarity as to the various definitions used in the report and in domestic legislation to describe ethnic and national minorities.

7. With respect to article 2 of the Convention, the Committee is concerned about the reduction of the proportionate representation of the Serbian ethnic community in the Croatian Parliament following the proclamation of a constitutional law on temporary suspension of certain provisions for freedoms and the rights of national and ethnic communities and minorities in the State party.

8. The Committee notes with concern the lack of legal provisions required in order to implement the State party's obligations under article 4 (b) of the Convention, that is the absence of legislative measures declaring illegal and prohibiting organizations which promote and incite racial discrimination.

9. With respect to article 4 of the Convention, concern is also expressed at incidents of hate-speech directed at the Serb minority in Croat media, and the failure of the State party to take adequate measures to investigate and prosecute those responsible for promoting hatred and ethnic tension through print and audio-visual media.

10. While recognizing the problems confronted by the State party in meeting the needs of large numbers of refugees, returnees and displaced persons and while noting the recent establishment of a National Programme for Returns, the Committee remains concerned at the serious difficulties and violence encountered by returnees and displaced persons, in particular ethnic Serbs, in returning to areas of origin, or by refugees when claiming their right to have property restored to them or to receive compensation upon return to their place of origin. In this respect the Committee is concerned about the difficulties of the return of Serbs and others displaced in Eastern Slavonia, Baranja and Western Sirmium. The Committee calls the attention of the State party to its general recommendation XXII (49) of 16 August 1996 concerning the rights of refugees and displaced persons.

11. With respect to article 5 of the Convention, the Committee is further concerned that articles 8 and 16 of the Croatian Law on Citizenship seem to establish different criteria for ethnic Croats compared with other minorities in Croatia in granting citizenship. It is also concerned at the excessive delays in the processing of applications for citizenship, in particular those of ethnic Serbs, which have resulted in applicants losing social and educational benefits.

12. As regards the implementation of articles 5 and 6 of the Convention, the report does not contain sufficient information as to the steps taken to ensure the practical implementation of the right to equal treatment before the courts and effective remedies so that victims of racial discrimination can secure the punishment of discriminatory acts and reparation for injury. The Committee is concerned at continuing reports about the failure of the criminal justice system to adequately deal with all crimes of an ethnic nature and the subsequent tendency to fail to prosecute alleged perpetrators of crimes directed at ethnic Serbs, whereas there are reports that Croatian Serbs have been unfairly prosecuted or excessively punished when allegations of illegal activity directed at non-Serbs have been brought.

13. With respect to article 7 of the Convention concern is expressed that according to continuing reports, strong control is exercised by the Government of certain mass media, particularly television, and that some graphic media are allowed to use discriminatory speech. Concern is also expressed that reports from United Nations bodies point to a lack of information and awareness among the Croat population of international human rights standards in general and of the Convention in particular.

E. Suggestions and recommendations

14. With respect of article 2 of the Convention, the Committee recommends that the State party reinstate the provisions for the fair and proportionate representation of the Serbian ethnic community in the Croatian Parliament.

15. The Committee recommends that the State party comply fully with the obligations under article 4 of the Convention and that necessary legislative measures be taken in order to give full effect to the provisions of that article to declare illegal and prohibit organizations which promote and incite racial discrimination and also take measures against the use of mass media for incitement to ethnic hatred. In this last respect the Committee reiterates its previous recommendation to the State party to comply with article 4 of the Convention and prohibit and prosecute all acts of incitement to ethnic hatred.

16. The Committee recommends that the State party introduce adequate measures to ensure and monitor the implementation in practice of the newly introduced National Programme for Return, in particular with respect to the Serbs displaced in Eastern Slavonia, Baranja and Western Sirmium and recommends that the State party inform it about the nature and results of its efforts in its next periodic report. The Committee further urges the State party, as a matter of urgency, to take steps to ensure the right to security of person and protection against violence or bodily harm of returnees.

17. With respect to the acquisition of citizenship, the Committee recommends that the State party take steps to ensure that all provisions of the Croatian Law on Citizenship are in conformity with article 5 of the Convention, and that the law is implemented in a non-discriminatory manner.

18. The Committee recommends that the State party take measures to ensure the prosecution of persons allegedly responsible for having committed racially motivated crimes, regardless of the racial, ethnic or religious origin of the perpetrator or the victim. The Committee further recommends that the State party include detailed information on such measures in its next periodic report, as well as information on racially motivated crimes, including for example, the number of complaints and judicial decisions with regard to compensation awarded to victims or criminal sanctions.

19. The Committee recommends that the State party use all effective measures to familiarize the public with the Convention, in order to change traditional prejudices against certain minorities, and to convey messages of tolerance. In this regard, the State party should continue to provide instruction on international human rights standards in schools and organize training programmes for persons engaged in the administration of justice, including judges, lawyers and, in particular, in the light of general recommendation XIII (42) of 16 March 1993 relating to law enforcement officials.

20. The Committee recommends that the State party take concrete measures in order to guarantee freedom of association without distinction as to ethnic origin and that mass media, in all their forms, including electronic form, are open to all ethnic groups without distinction. The Committee also recommends that the State party take effective measures in order to stop racist and discriminatory speech in some graphic media.

21. In its forthcoming report, the State party should include detailed information relating to the practical implementation of the Convention, including information on the independence of the judiciary; the reintegration of Eastern Slavonia; what it has done to discharge its obligation to cooperate with the International Tribunal for the Former Yugoslavia; clarification as to the legal definitions used for describing different minorities; and updated information on the demographic composition of the Croatian population.

22. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention.

23. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and some members of the Committee requested that the possibility of such a declaration be considered.

24. The Committee recommends that the State party's next periodic report, due on 8 October 1998, be an updating report and that it address all the points raised in the present observations.

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CONSIDERATION OF REPORTS SUBMITTED BY STATES
PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the
Elimination of Racial Discrimination

Cyprus

1. The Committee considered the fourteenth periodic report of Cyprus (CERD/C/299/Add.19), at its 1278th and 1279th meetings, on 4 and 5 August 1998, and, at its 1288th meeting, on 12 August 1998, adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the fourteenth periodic report of Cyprus and the opportunity to continue its dialogue with the State party. The Committee also welcomes the submission of the revised version of the State party's core document (HRI/CORE/1/Add.28/Rev.1). The Committee notes with appreciation that the report provides detailed answers to concerns expressed and recommendations made by the Committee in its concluding observations following the consideration of the thirteenth periodic report of the State party (see A/50/18, paras. 64-76). It further expresses its appreciation for the frank and constructive dialogue with the delegation and for the additional information and comprehensive answers given orally to the wide range of questions asked by its members.

B. Factors and difficulties impeding the implementation of the Convention

3. The Committee reiterates its grave concern at the lengthy occupation of 37 per cent of the territory of Cyprus by Turkish forces and the continued division of the country, and that the Government is still prevented, by the use of force, from implementing the provisions of the Convention in the occupied part of the country since the invasion in 1974. The Committee further wishes to reiterate that the continuing artificial division of the country has adversely affected efforts to reduce tension among the various ethnic and religious communities which comprise the population.

C. Positive aspects

4. With regard to the implementation of article 2 of the Convention, it is noted with satisfaction that the State party has undertaken measures for the preparation of a bill for the protection of refugees, which would protect the rights of refugees and displaced persons regardless of their ethnic origin.

5. The amendment to the procedure for acquiring Cypriot citizenship, by which Cypriot nationality is now granted to all children regardless of whether the father or the mother is a Cypriot citizen, is also welcomed.

6. It is noted with appreciation that the State party has undertaken steps for the implementation of the Committee's recommendations regarding the introduction of amendments to Law II (III) of 1992. It also noted with satisfaction that the proposed amendments to this law include the penalization of the expression of racist ideas through electronic media.

7. With respect to the implementation of article 7 of the Convention, the efforts and initiatives of Cyprus in the field of education are welcomed, especially the establishment of language programmes for children of immigrant families and minority groups. The establishment of official subsidies for children belonging to minority communities and the inclusion of human rights in the school curricula are also welcomed. The holding of training programmes for civil servants on the provisions of the Convention is noted with satisfaction.

8. The Committee notes with appreciation that the State party has taken into consideration the Committee's general recommendation XVII (42) of 19 March 1993 for the establishment of national institutions to facilitate the implementation of the Convention, and the intention of the Government of Cyprus to establish a National Institution for the Promotion and Protection of Human Rights.

9. The Committee welcomes the fact that the State party has ratified, by Law 6 (III) of 1995, the amendment to article 8, paragraph 6, of the Convention.

D. Principal subjects of concern

10. Concern is expressed at the insufficient information on the demographic composition of the occupied part of Cyprus, due to the fact that the State

party is still prevented by the Turkish army from undertaking any census or other relevant data collection on the whole of the territory of the Republic of Cyprus.

11. Although the Committee welcomes the State party's efforts to disseminate information with regard to the Convention, it is still concerned that members of the public may not be sufficiently aware of the protection against racial discrimination provided by the Convention. In this connection, the lack of information on complaints concerning racially motivated offences, other than complaints lodged by foreign housemaids, as well as the absence of lawsuits in courts claiming racial discrimination, and of communications filed with the Committee under article 14 of the Convention, may indicate that awareness of the Convention is not high among judges, lawyers and the public at large.

E. Suggestions and recommendations

12. The Committee recommends that information be provided by the State party on the enactment of legislation for the protection of refugees (Refugee Bill) and the proposed amendments to Law II (III) of 1992.

13. The Committee requests the State party to provide information in its next periodic report on the implementation of recommendations made by the Commissioner for Administration (the Ombudsman) to remedy the procedure for employment of foreign housemaids in Cyprus.

14. Emphasizing the role of the justice system in the elimination of racial discrimination, the Committee requests the State party to consider measures for improving awareness of the Convention and associated legal and administrative remedies, and that lawyers and administrators be supplied with information on the Convention and on available remedies.

15. The Committee suggests that the Government of Cyprus may wish to avail itself of any advice and assistance which may be rendered by the Office of the United Nations High Commissioner for Human Rights with regard to the Government's initiative to establish a national human rights institution.

16. The Committee requests the State party to give wide publicity in its territory to the fourteenth report submitted to the Committee, to the present concluding observations as well as to the possibilities of making use of the procedure provided for in article 14 of the Convention.

17. The Committee recommends that the State party's next periodic report, due on 4 January 1998, be an updating report and that it address all the points raised in these concluding observations and during the consideration of the report.

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
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Concluding observations of the Committee on the
Elimination of Racial Discrimination

Morocco

1. The Committee considered the twelfth and thirteenth periodic reports of Morocco (CERD/C/298/Add.4) at its 1282nd and 1283rd meetings, on 6 and 7 August 1998, and, at its 1296th meeting held on 17 August 1998, adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the State party's submission of its twelfth and thirteenth periodic reports and expresses its satisfaction to the delegation for the additional information supplied orally and in writing to the wide range of questions raised by the members of the Committee during the consideration of the reports. The Committee notes that, although the reports submitted by the State party are in keeping with the Committee's guidelines, more detailed information is required on the implementation of the Convention. The Committee also welcomes the constructive, open and fruitful dialogue conducted with the delegation of the State party.

B. Positive aspects

3. The State party's new policy of giving greater attention to human rights issues, including the objectives of the Convention, is welcomed with satisfaction.

4. The Committee takes note with interest of the activities of the Human Rights Advisory Council and the Ministry of Human Rights, particularly with regard to ongoing efforts to study all laws and regulations to assess their conformity with the relevant international human rights instruments, including the International Convention on the Elimination of All Forms of Racial Discrimination.

5. It is noted with interest that the State party and the Office of the United Nations High Commissioner for Human Rights in Geneva have launched a project to introduce human rights education in primary and secondary school curricula and to set up a national centre for human rights studies.

6. Note is taken with satisfaction of the establishment in 1995 of regional councils for culture and the increased attention being paid to Berber culture, particularly in respect of measures to include Berber dialects in school curricula.

7. The Committee welcomes the efforts by the State party to improve its relations with international and national non-governmental organizations dealing with human rights, including the objectives of the Convention, and the progress made in opening up to civil society.

C. Principal subjects of concern

8. While taking note of the State party's point of view on the problems involved in determining the ethnic composition of the population, the Committee finds that there is a lack of information on this point in its reports.

9. With reference to article 4 of the Convention, the Committee welcomes the statement by the State party that domestic legislation will be brought into line with the Convention once the Penal Code is amended, but it notes with concern that, at present, there are no specific legal provisions prohibiting racial discrimination. Although the Constitution provides for a number of human rights, including the general principle of non-discrimination, legislative, judicial and administrative measures to give effect to the Convention are still lacking. In this connection, attention is drawn to articles 2, 6 and 7 of the Convention, according to which States parties are expressly required to adopt specific measures to give full effect to the rights in question.

10. The lack of information on the number of complaints and judicial decisions concerning acts of racism, regardless of their nature, and the compensation granted as a result is a source of concern.

D. Suggestions and recommendations

11. The Committee recommends that the State party should give information on the ethnic composition of the Moroccan population in its next periodic report, in accordance with paragraph 8 of the Committee's guidelines.

12. In view of article 4 of the Convention and the ongoing process of the amendment of the Moroccan Penal Code, the Committee encourages the State party to bring the Code into line with the provisions of the Convention and recommends that the State party should inform it of the results of its efforts in its next periodic report.

13. The Committee also requests information on other legal reforms and on the results of the amendment of the Labour Code, from the standpoint of the provisions of the Convention.

14. In its next report, the State party should include detailed information on racially motivated offences, including the number of complaints and judicial decisions concerning racist acts, regardless of their nature.

15. The State party should also supply information on the activities of the Human Rights Advisory Council relating to the Convention.

16. While welcoming the information provided by the delegation, the Committee would like to have additional information in the next report on socio-economic indicators for the situation of the Berbers, blacks, nomads, Sahrawis and other minorities.

17. The Committee requests the State party to provide information on the results of the human rights education project being carried out by the State party and the Office of the United Nations High Commissioner for Human Rights, with particular reference to the components of the project relating to racial discrimination.

18. The Committee suggests that the State party should take steps effectively to disseminate not only the provisions of the Convention, but also the State party's periodic reports and the Committee's conclusions.

19. The Committee recommends that the State party should ratify the amendments to article 8, paragraph 6, of the Convention adopted on 15 January 1992 at the Fourteenth Meeting of State Parties to the Convention.

20. It is noted that the State party has not made the declaration provided for in article 14 of the Convention; some members of the Committee requested that the possibility of such a declaration should be considered.

21. The Committee recommends that the State party's next report, which was due on 17 January 1998, should be an updating report and that it should cover all the points raised in these concluding observations.

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
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Concluding observations of the Committee on the
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Gabon

1. The Committee considered the second to ninth periodic reports of Gabon (CERD/C/315/Add.1), at its 1286th and 1294th meetings, on 10 and 14 August 1998. At its 1299th and 1301st meetings, on 19 and 20 August 1998, it adopted the following concluding observations.

A. Introduction

2. Although the Committee welcomes the submission of the report by the State party, it regrets that the report does not follow the general guidelines established by the Committee for the presentation of reports. While the Committee understands that factors beyond the control of the Government of Gabon impeded the presence of a State party delegation at the examination of the report, it welcomes the oral replies made by the State party's representatives at a later stage and the readiness of the Government of Gabon to resume its dialogue with the Committee.

B. Factors and difficulties impeding the implementation of the Convention

3. The Committee notes that Gabon is going through a difficult economic period and that limits on resources available in the public service have hampered the full implementation of the Convention.

C. Positive aspects

4. Gabon's accession to the major international human rights instruments, including the 1981 African Charter on Human and People's Rights, is welcomed by the Committee.

5. The Committee welcomes the fact that the Convention was incorporated into the Constitution of Gabon in April 1997.

6. The establishment of the Ministry for Human Rights, which has the mandate to implement the Government's human rights policy and to coordinate the steps undertaken in this area, is welcomed by the Committee. More information concerning this institution would be appreciated.

7. The State party's achievements in the field of education, especially its high school attendance rate, are welcomed.

D. Principal subjects of concern

8. The Committee notes the insufficiency of the information on the demographic composition of the population, including the composition of the foreign community and indigenous Pygmy groups.

9. The Committee, while noting with satisfaction that the Constitution of Gabon establishes that all acts of racial discrimination are punishable by law, expresses its concern at the lack of information on the implementation of article 4 of the Convention, especially on how this principle is reflected in other domestic legislation (for example, the Penal Code) and applied by judges, lawyers and civil servants.

10. Although the Committee notes that the Constitution of Gabon provides for the enjoyment of rights contained in the Convention, it is still concerned at the lack of information on the protection of all the rights enumerated in article 5 of the Convention.

11. While the Committee notes the role of the judiciary in efforts to eliminate racial discrimination, it is concerned at the lack of information on the existence of available legal mechanisms to lodge complaints in cases of racial discrimination, and that members of the public may not be sufficiently aware of the protection against racial discrimination provided by the Convention. In this connection, the lack of information on complaints concerning racially motivated offences as well as the absence of lawsuits in courts claiming racial discrimination may indicate that awareness of the Convention is not high among judges, lawyers and the public at large.

12. With respect to article 7 of the Convention, the lack of information on programmes for the training of magistrates, law enforcement officials, teachers and social workers, aiming at raising their awareness of problems related to racial discrimination, is regretted.

E. Suggestions and recommendations

13. The Committee recommends that the State party, in its next report, provide fuller information on the demographic composition of the population in the light of paragraph 8 of the reporting guidelines.

14. The Committee requests the State party to provide information in its next periodic report on the implementation of article 4 of the Convention, especially on how this principle is reflected in domestic legislation (for example, the Penal Code) and is applied by judges, lawyers and civil servants.

15. The Committee recommends that comprehensive information be provided by the State party in its next periodic report on the effective enjoyment by all groups of the rights under article 5 of the Convention, in particular concerning participation in public life under article 5 (c) and enjoyment of economic, social and cultural rights under article 5 (e).

16. Emphasizing the role of the judicial system in eliminating racial discrimination, the Committee requests the State party to provide information in its next periodic report on the existing legal mechanisms available to lodge complaints in cases of racial discrimination. Additionally, the Committee requests the State party to provide information on measures undertaken or envisaged for improving public awareness of the Convention.

17. In connection with the implementation of article 7 of the Convention, the Committee recommends that the State party take all necessary measures to ensure the training and education of law enforcement officials, teachers, social workers and students in the prevention of racial discrimination, and to include the teaching of human rights in school curricula.

18. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention.

19. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and some members of the Committee requested that the possibility of such a declaration be considered.

20. The Committee suggests that the Government of Gabon may wish to avail itself of the technical assistance offered under the advisory services and technical assistance programme of the United Nations High Commissioner for Human Rights, with the aim of submitting a comprehensive report in accordance with the reporting guidelines.

21. The Committee recommends that the State party's next periodic report, due on 30 March 1999, be a comprehensive report and that it address all the points raised in these concluding observations and during the consideration of the report.

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UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the
Elimination of Racial Discrimination

Jordan

1. The Committee considered the ninth to twelfth periodic reports of Jordan (CERD/C/318/Add.1), at its 1288th and 1289th meetings, on 11 and 12 August 1998. At its 1298th meeting, on 18 August 1998, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the opportunity to resume the dialogue with the State party on the basis of the ninth to twelfth reports and the core document (HRI/CORE/1/Add.18/Rev.1). While the report did not follow the guidelines established by the Committee for the presentation of reports and more specific information is needed on the implementation of the Convention, the Committee expresses its appreciation for the answers provided by the delegation to the many questions asked in the course of the discussion.

B. Factors and difficulties impeding the implementation of the Convention

3. It is noted that the State party's difficult economic situation may affect the full implementation of the Convention in Jordan.

C. Positive aspects

4. Efforts made by the State to host Palestinian refugees, and to facilitate their integration while retaining their identity, are noted with satisfaction.

5. The establishment of the national Centre for Human Rights is welcomed by the Committee.

6. It is noted with satisfaction that there are a more than proportionate number of seats in the Jordanian House of Representatives which are held by persons who are members of minorities.

D. Principal subjects of concern

7. Concern is expressed that, since the protections in the Penal Code are limited to groups which constitute the nation, the provisions of article 4 are not fully implemented and non-citizens may not receive the protections envisaged in article 5 (a) and (b) of the Convention.

8. With regard to article 7 of the Convention, it is regretted that little further information was provided following the eight paragraphs regarding this article in the previous report.

E. Suggestions and recommendations

9. The Committee recommends that the State party's next report clarify whether article 12 of the Labour Act derives from an agreement concluded between members of the League of Arab States and is applicable to all citizens of those States irrespective of their ethnic or national origin.

10. The Committee recommends that the State party present in its next report information on the number of complaints, judgements and compensation awards arising from racist acts, regardless of their nature.

11. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention.

12. The Committee recommends that the State party's next periodic report, due on 29 June 1999, be a comprehensive report, taking into account all requests for specific information listed above and all the points raised in consideration of the report.

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Concluding observations of the Committee on
the Elimination of Racial Discrimination

Cuba

1. The Committee considered the tenth, eleventh and twelfth periodic reports of Cuba (CERD/C/319/Add.4) at its 1290th and 1291st meetings, on 12 and 13 August 1998, and, at its 1301st meeting, on 20 August 1998, adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the presentation of the State party's report and appreciates the opportunity to resume the dialogue with the State party. The report followed the guidelines for the presentation of reports and contained useful information which was complemented by the oral information provided by the delegation. The Committee also welcomes the submission by Cuba of the core document (HRI/CORE/1/Add.84).

B. Factors or difficulties impeding the
implementation of the Convention

3. It is recognized that Cuba has experienced serious economic difficulties as a result of the embargo in place since the beginning of the 1990s that affect the full enjoyment of economic, social and cultural rights, especially by less favoured social groups. Among those groups there is, for historical and socio-cultural reasons, a high percentage of the black and mestizo population.

C. Positive aspects

4. Appreciation is expressed with regard to the commitment of the State party to eliminating all manifestations of racial discrimination, especially through the adoption since 1959 of appropriate legislation, equal opportunity policies and widespread education of the population. The policy of promoting blacks to managerial positions at all levels within the country, including the highest political organs, is welcomed.

5. The statement by the State party that although in public life racial prejudice is practically insignificant, it still appears in the most private areas of life, particularly in social engagements and marriage, is also appreciated. Efforts to promote equality seem to have raised a widespread feeling among the general public that racial prejudice is unacceptable and harmonious interracial relations increase in every walk of life.

6. It is also noted with interest that the 1992 constitutional reform introduced a number of provisions by which aliens resident in Cuba enjoy the same rights as Cubans in matters such as the protection of their persons and property and the enjoyment of the rights and performance of the duties laid down in the Constitution.

7. The fact that academic institutions are conducting studies on different aspects of the racial question is also welcomed.

D. Principal subjects of concern

8. The report of the State party does not provide sufficient information on the practical implementation of the Convention, in particular articles 4 to 6.

E. Suggestions and recommendations

9. The Committee recommends that the State party, in its next periodic report, provide fuller information on the demographic composition of the population in the light of paragraph 8 of the reporting guidelines. The findings of the study being conducted by the Anthropology Centre about race relations and ethnicity should be summarized in the next report.

10. The Committee requests the Government of Cuba to provide, in its next periodic report, information on the number of complaints of racial discrimination, the outcome of the prosecution of cases of racial discrimination and the redress, if any, provided to persons affected by such discrimination. The role of the Attorney-General in dealing with complaints should also be clearly explained in the light of article 6 of the Convention.

11. Particular attention should be paid by the State party to the Committee's general recommendation XIII (42) of 16 March 1993 on the training of law enforcement officials in the protection of human rights and general recommendation XVII (42) of 19 March 1993 on the establishment of national institutions to facilitate the implementation of the Convention. Information in that respect should be included in the next periodic report.

12. The Committee invites the State party to give publicity to the Convention, the periodic report as well as the Committee's concluding observations thereon, so that the judiciary, the legal profession, the relevant government agencies and the public at large are made fully aware of the provisions and the potential of the Convention.

13. It is noted that the State party has not made the declaration provided for in article 14 of the Convention and some members of the Committee requested that the possibility of such a declaration be considered.

14. The Committee recommends that the State party's next periodic report, due on 16 March 1999, be an updating report and that it address all the points raised in the present observations.

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Nepal

1. The Committee considered the ninth to the thirteenth periodic reports of Nepal (CERD/C/298/Add.1), at its 1292nd meeting, on 13 August 1998. At its 1301st meeting, on 20 August 1998, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the opportunity to resume the dialogue with Nepal after a lapse of 11 years. The Committee notes with appreciation that the report submitted by the State party is a comprehensive document complying with the Committee's general guidelines. The Committee welcomes the frankness and self-critical approach of the report and the constructive dialogue with the State party's delegation.

B. Factors and difficulties impeding the implementation of the Convention

3. It is noted that Nepal, one of the least developed countries of the world, is a highly multi-ethnic and multicultural society. It is also noted that the widespread poverty and the presence of a large number of refugees from neighbouring countries may affect the full implementation of the Convention in the State party.

C. Positive aspects

4. The enactment of Nepal's new Constitution (1990), which guarantees basic human rights to every citizen, creates a constitutional monarchy and a system of multi-party democracy, and establishes an independent judiciary, is welcomed. The incorporation of the Convention in the Nepalese Constitution (1990) is appreciated by the Committee.

5. The enactment of the law establishing a Human Rights Commission in 1997 as well as the establishment of the Foreign Affairs, Human Rights, Population and Social Committees of Parliament are welcomed.

6. The State party's openness and willingness to collaborate with non-governmental organizations in its efforts to eliminate racial discrimination are appreciated by the Committee.

7. The willingness of the State party to disseminate its report as well as the concluding observations of the Committee among non-governmental organizations and the public at large is noted with appreciation.

D. Principal subjects of concern

8. The Committee notes the lack of clarity of the information provided by the report on the demographic composition of State party and, in particular, on the composition of the population according to caste, religion and geographical regions.

9. The Committee expresses its concern at the insufficiency of information provided on the full implementation of article 4 of the Convention, especially on how this principle is reflected in other domestic legislation (for example, the Penal Code) and is applied by judges, lawyers and civil servants.

10. The Committee, having noted that the caste system in Nepal has been abolished by law, nevertheless expresses its concern that this system still functions and appears embedded in parts of the Nepalese culture. In this connection, the Committee is also concerned at the limitation that this system imposes on the effective enjoyment by all groups of the rights enshrined in article 5 of the Convention.

11. With regard to the implementation of article 6 of the Convention, the Committee expresses its concern at the lack of clarity concerning the jurisdiction of the Supreme Court vis-à-vis lower courts in cases of racial discrimination, and that members of the public may not be sufficiently aware of the protections against racial discrimination provided by the Convention and by local remedies. In this connection, the lack of information on complaints concerning racially motivated offences as well as the absence in courts of lawsuits alleging racial discrimination may indicate that awareness of the Convention is not high among judges, lawyers and the public at large.

12. The Committee is concerned about the situation and condition of the 100,000 refugees from Bhutan in Nepal.

E. Suggestions and recommendations

13. The Committee recommends that the State party in its next report provide fuller information on the demographic composition of the population in the light of paragraph 8 of the reporting guidelines. The Committee requests the State party to provide information in its next periodic report on the implementation of practical measures to eradicate the practice of the caste system.

14. With regard to the implementation of article 2 of the Convention, the Committee, while welcoming the State party's initiatives, including its affirmative action programmes aimed at improving the living conditions of the less developed groups, invites the State party to provide information on the results of these initiatives in its next periodic report.

15. In view of the State party's declaration on articles 4 and 6 of the Convention, the Committee repeats its suggestion to the State party that it avail itself of the possibility, under article 20, paragraph 3, of the Convention, to withdraw its reservations in order to ensure the full applicability of the provisions of articles 4 and 6.

16. The Committee requests the State party to provide information in its next periodic report on the implementation of article 4 of the Convention, especially on how it is reflected in domestic legislation (for example, the Penal Code) and applied by judges, lawyers and civil servants.

17. The Committee recommends that comprehensive information be provided by the State party in its next periodic report on the effective enjoyment by all groups of the rights under article 5 of the Convention, in particular concerning participation in public life under article 5 (c) and enjoyment of economic, social and cultural rights under article 5 (e). For this purpose, the Committee recommends that national or ethnic minority associations in the State party be consulted on their experiences regarding these matters.

18. Emphasizing the role of the judicial system in eliminating racial discrimination, the Committee requests the State party to provide information in its next periodic report on the existing legal mechanisms available to lodge complaints in cases of racial discrimination, including information on the role of the Supreme Court and lower courts as well as the legal aid system. Additionally, the Committee requests the State party to provide information on measures undertaken or envisaged for improving public awareness of the Convention.

19. More information concerning the composition and activities of the Human Rights Commission and the above-mentioned parliamentary bodies as well as the result of their activities in the elimination of racial discrimination in Nepal would also be appreciated.

20. In connection with the implementation of article 7 of the Convention, the Committee recommends that the State party take all necessary measures to ensure the training and education of law enforcement officials, teachers, social workers and students in the prevention of racial discrimination, and to include the teaching of human rights in school curricula.

21. The Committee calls upon the State party to fully observe the human rights of refugees and displaced persons of Bhutan and to negotiate with the Government of Bhutan towards a peaceful solution of this important issue.

22. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention.

23. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and some members of the Committee requested that the possibility of such a declaration be considered.

24. The Committee recommends that the State party's next periodic report, which was due on 1 March 1998, be an updating report and that it address all the points raised in these concluding observations and during the consideration of the report.

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the Elimination of Racial Discrimination

Niger

1. The Committee considered the eleventh, twelfth, thirteenth and fourteenth periodic reports of the Niger (CERD/C/299/Add.18) at its 1297th meeting held on 18 August 1998 and, at its 1301st meeting on 20 August 1998, adopted the following concluding observations.

A. Introduction

2. The Committee takes note of the State party's submission of its eleventh, twelfth, thirteenth and fourteenth periodic reports. It expresses its satisfaction with the resumption of the dialogue with the State party and the additional information provided orally in reply to the questions raised by the members of the Committee during the consideration of these reports. The Committee notes, however, that, although the reports submitted by the State party follow the Committee's guidelines, more detailed information is required on the implementation of the Convention.

B. Positive aspects

3. The signing of an agreement to establish peace between the Government of the Republic of the Niger and the Organisation de la Résistance armée (ORA) (Armed Resistance Organization) in 1995 is welcomed with satisfaction. The establishment of the High Commissioner's Office for the Restoration of Peace is also welcome.

4. Note is taken of the various activities being carried out in the fields of culture and education and, in particular, the strengthening of the itinerant schools system.

5. The planned measures for the administrative decentralization of the country are also noted with interest as a means of finding better solutions to the problems of the various communities.

C. Factors and difficulties impeding the implementation of the Convention

6. Note is taken of the fragility of the State party's process of democratization. The very low standard of living, the geographical and climatological situation, the extremely high population growth rate and the very low literacy rate in the State party are also key factors.

D. Principal subjects of concern

7. Concerns were expressed about acts of violence against persons belonging to certain ethnic groups, particularly the Toubous, the lack of information about measures for incorporating ORA armed forces into the army and the country's civil activities and the participation of various ethnic groups in public life.

8. With regard to article 4 of the Convention, note was taken with concern of the lack of specific legal provisions prohibiting racial discrimination. Although article 102 of the Penal Code declares any act of racial or ethnic discrimination punishable by law, the dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination and acts of violence and provocation of or assistance in racist acts are not explicitly prohibited by law within the meaning of the Convention.

9. The ambiguity of Order No. 84-6 (1984) governing associations and prohibiting those of a regional or ethnic nature, which may also lead to the prohibition of cultural associations that have no involvement in acts of racial discrimination, and the lack of information given by the State party in this connection are matters of concern.

10. The lack of information on the implementation of article 5 (c) and (d) of the Convention and, in particular, on the participation of the various ethnic groups in political life is noted with regret.

11. The Committee also notes that there is a lack of information on foreign refugees in the Niger and the return of Niger refugees from abroad.

E. Suggestions and recommendations

12. The Committee requests information on relations between the country's various ethnic groups and on efforts to get them to live together peacefully and harmoniously.

13. In the light of its general recommendation XIX (47) of 17 August 1995 on article 3 of the Convention, the Committee recommends that the State party should provide all the necessary information on the implementation of this provision.

14. In view of article 4 of the Convention, the Committee encourages the State party to bring its Penal Code into line with the provisions of the Convention and recommends that the State party should inform it in its next periodic report of its efforts and of racially motivated offences, as well as of complaints and judicial decisions concerning racist acts, regardless of their nature.

15. The Committee also requests information on other legislative reforms which have been scheduled or undertaken, particularly with regard to the right to freedom of association, in accordance with the provisions of article 5 (d) (ix) of the Convention.

16. While welcoming the information provided by the delegation, the Committee would like to have additional information in the next report on the implementation of article 5 (c) and (d) relating to the exercise of civil and political rights, as well as on economic and social indicators for all the country's ethnic groups.

17. The State party should also supply detailed information on the teaching, educational, cultural and information activities it is carrying out to prevent and combat all forms of racial discrimination and on the activities of the Association nigérienne pour la défense des droits de l'homme (Niger Association for the Protection of Human Rights).

18. The Committee recommends that the State party should ratify the amendments to article 8, paragraph 6, of the Convention adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention.

19. It is noted that the State party has not made the declaration provided for in article 14 of the Convention; some members of the Committee requested that the possibility of such a declaration should be considered.

20. The Committee recommends that the State party's next report, due on 4 January 1998, should be an updating report and that it should cover all the points raised in these concluding observations.

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Concluding observations of the Committee on the
Elimination of Racial Discrimination

Tonga

1. The Committee considered the eleventh, twelfth and thirteenth periodic reports of Tonga (CERD/C/319/Add.3), at its 1298th meeting, on 18 August 1998. At its 1302nd meeting, on 20 August 1998, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the presentation of the State party's report, but regrets that the absence of a delegation in its meeting did not allow it to enter into a dialogue with the State party. The Committee notes that the report does not follow the guidelines for the presentation of reports.

B. Positive aspects

3. The regularity in the presentation of periodic reports is most welcome, considering that Tonga is a small country with limited resources.

4. It is noted with satisfaction that the Constitution contains provisions prohibiting the practice of racial discrimination and ensuring equal rights for all the people in the territory of the State party. The statement in

the report to the effect that measures taken to encourage integration and multiracial organizations have been promoted by allowing non-Tongans to participate in schools, business, religion and other aspects of public life is also noted with interest.

5. The Constitution also contains provisions allowing any individual to bring complaints about discrimination on racial grounds before the courts. The statement in the report indicating that there have been no court decisions on any case relating to racial discrimination is also noted.

C. Principal subjects of concern

6. The report does not contain sufficient information that would allow the Committee to assess the level of implementation of the Convention in Tonga.

7. Concern is expressed, in particular, at the lack of legislation intended to enforce the provisions contained in article 4 of the Convention and at the statement contained in the report that Tonga has no express policy on the elimination of racial discrimination.

8. In view of the ethnic characteristics of the population, the structure of power in the country and the configuration of the Legislative Assembly, it is regretted that the State party has not provided detailed information about the implementation of the provisions of article 5 of the Convention vis-à-vis the different ethnic groups.

9. It is a matter of concern that, as the Convention has not been incorporated into the domestic law, it cannot be invoked in the courts.

D. Suggestions and recommendations

10. The Committee recommends that the next report provide updated information about the population, in conformity with paragraph 8 of the Committee's general guidelines. The report should also contain detailed information about the practical implementation of the Convention, especially articles 4 and 5.

11. The Committee recommends that the State party provide a core document as soon as possible.

12. The Committee recommends that subjects intended to promote tolerance among different ethnic groups be incorporated in school curricula.

13. The Committee suggests that, in the preparation of its next periodic report, the Government of Tonga may wish to avail itself of the technical assistance provided under the advisory services and technical assistance programme of the Office of the United Nations High Commissioner for Human Rights.

14. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention.

15. It is noted that the State party has not made the declaration provided for in article 14 of the Convention and some members of the Committee requested that the possibility of such a declaration be considered.

16. The Committee recommends that the State party's next periodic report, due on 17 March 1999, address all the points raised in the present observations. It also expresses the hope that a delegation be present when the Committee considers the report.

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Concluding observations of the Committee on the
Elimination of Racial Discrimination

Austria

1. The Committee considered the eleventh, twelfth and thirteenth periodic reports of Austria (CERD/C/319/Add.5) at its 1305th and 1306th meetings (CERD/C/SR.1305 and 1306), held on 1 and 2 March 1999. At its 1327th meeting, held on 16 March 1999, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the eleventh, twelfth and thirteenth periodic reports submitted by the Government of Austria in one document and the opportunity thus offered to continue its dialogue with the State party. Although the report followed the guidelines, the Committee is of the view that the information in it was too concise, was too focused on legislation and administrative measures, failed fully to address the Committee's concluding observations relating to the previous report of the State party, and did not sufficiently consider the extent to which residents benefited in practice from the protections promised in the Convention. The Committee expresses its appreciation for the constructive and concrete dialogue with the delegation and the additional information provided in response to the questions asked.

B. Positive aspects

3. The Committee notes with satisfaction that the State party has condemned genocide as a crime under international law, and trusts that all acts of genocide will be condemned without any distinction as to time, place or group of victims. In this regard, the Committee welcomes the establishment of the National Fund for Victims of National Socialism (1995), which offers a scheme for compensation of all the victims of genocide.

4. The Committee welcomes the information contained in the report concerning educational measures which provide for the teaching of the principles of tolerance and peaceful coexistence in a multicultural society. Satisfaction is also expressed in relation to the efforts undertaken by the State party to raise awareness and promote action against all forms of racial discrimination. The Committee notes, in this regard, the establishment of radio programmes for this purpose.

C. Principal subjects of concern

5. While the Committee is aware that the Convention has been incorporated into Austrian domestic law (Federal Constitutional Act, 1973) and welcomes the judgements of the Constitutional Court (1994/1995) which provide for equality in the treatment of aliens, concern remains about the element of subjectivity in the rule that "decisions refusing an alien equal treatment may only be admissible if and when there is a reasonable justification".

6. Concern is expressed that the immigration policy of the State party, contained in the Aliens Act of 1997, classifies foreigners on the basis of their national origin. The Committee considers that the concept and effect of this policy may be stigmatizing and discriminatory and, therefore, contrary to the principles and provisions of the Convention.

7. While the Committee welcomes the measures taken by the State party for the protection of the rights of the Slovenian, Croatian and Hungarian minority groups, concern remains at the lack of corresponding measures for other "national ethnic minorities", in particular Czechs, Slovaks and Roma, as well as for those who are sometimes referred to as "new minorities". Concern is also expressed at the lack of legal protection for residents of foreign origin against discrimination committed by Austrian citizens.

8. While the Committee notes with appreciation the State party's efforts in the field of legislative reform, especially the amendments to the Austrian Penal Code (sects. 281 and 283), which criminalize racist propaganda and the incitement to racial hostility, the Committee is nevertheless still concerned that the condemnation of such acts is qualified by a reference to public peace and that article 4 (b) of the Convention is not fully implemented, notably as regards prohibition of organizations which promote and incite racial discrimination. Concern is also expressed about the number of reported incidents of xenophobia and racial discrimination, including acts of anti-Semitism and hostility against certain ethnic groups.

9. The Committee expresses its concern that, seven years after it drew the attention of the State party to the absence of sanctions against racial discrimination in the private sector, little progress has been made in fully implementing the provisions of articles 5 (e) and (f). In addition, the Committee expresses its concern that non-citizens are not currently eligible for participation in work councils.

10. Concern is expressed about reports of serious incidents of police brutality in dealing with persons of foreign origin and ethnic minorities, including the Roma.

D. Suggestions and recommendations

11. The Committee recommends that the State party introduce comprehensive legislation to prohibit racial discrimination in all its forms, covering both citizens and foreigners. Furthermore, it recommends that the State party consider amending the relevant provision in the Constitution Act implementing the Convention by deleting the word "sole" in connection with the basis of illegal racial distinctions.

12. The Committee encourages the State party to continue exploring ways of providing specific protection to all ethnic groups living in Austria. The Committee further recommends that the State party include in its next report more detailed information on the demographic composition of the Austrian population, in the light of paragraph 8 of the reporting guidelines. Information on the socio-economic situation, particularly the unemployment rate in the various ethnic communities, would be appreciated.

13. The Committee urges the State party to review those elements of its current immigration policy which classify foreigners on the basis of their national origin. In its forthcoming report the State party is requested to include information on current asylum practices.

14. The Committee recommends that the State party take the necessary steps to implement article 4 (b) of the Convention. The Committee further recommends that the State party include in its next report information on complaints of discrimination under article 4 of the Convention, the prosecution by the authorities of such offences, including criminal attacks against members of certain ethnic groups, as well as the action taken by the Ombudsman and by the competent courts. Where appropriate, information on reparation granted to victims, in accordance with article 6 of the Convention, would be appreciated.

15. The Committee recommends that the State party review its provisions for implementing article 6 of the Convention. In its forthcoming report, the State party should address, inter alia, the effectiveness of the protection and the adequacy of the remedies provided.

16. The Committee recommends that the State party consider withdrawing its declarations regarding articles 4 and 5 of the Convention.

17. It is further suggested that the State party consider providing education and training on racial tolerance and human rights issues to law enforcement officials and police officers, in accordance with article 7 of the Convention and General Recommendation XIII of the Committee. In addition, the Committee suggests that the State party review the adequacy of its measures for investigating allegations of police brutality and abuse of office.

18. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of State Parties to the Convention.

19. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and some members of the Committee requested that the possibility of making such a declaration be considered.

20. The Committee suggests to the State party that its reports and the present concluding observations be widely distributed to the public. The Committee recommends that the State party's next periodic report, due on 8 June 1999, be an updating report and that it address all the points raised during the consideration of the eleventh, twelfth and thirteenth reports.

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Concluding observations of the Committee on the
Elimination of Racial Discrimination

Republic of Korea

1. The Committee considered the ninth and tenth periodic reports of the Republic of Korea, submitted in one document (CERD/C/333/Add.1), at its 1307th and 1308th meetings, held on 2 and 3 March 1999 (CERD/C/SR.1307-1308), and adopted, at its 1329th meeting (CERD/C/SR.1329), held on 17 March 1999, the following concluding observations.

A. Introduction

2. The Committee welcomes the report of the Republic of Korea and expresses its appreciation for the regularity with which the State party submits its reports. It takes note of the detailed supplementary information provided by the delegation in the oral dialogue with the Committee. Nevertheless, the Committee is of the view that the information submitted regarding the follow-up of recommendations made by it during the consideration of the previous report of the State party was incomplete. The Committee commends the quality of the delegation's oral replies to the questions raised during the discussion.

B. Positive aspects

3. The commitment by the State party to adopt a Human Rights Act and establish a national human rights institution before the end of the year 1999 is welcomed.

4. It is noted with satisfaction that the State party ratified, on 4 December 1998, International Labour Organization (ILO) Convention (No. 111) concerning discrimination in respect of employment and occupation.

5. Legislative measures taken by the State party to prevent and combat racial discrimination are welcomed. These measures include the State party's decision to apply the Labour Standard Act to all illegal foreign workers as of October 1998; the amendment to the Foreign Land Acquisition Act on 15 May 1998 and the amendment to the Nationality Act on 13 December 1997.

6. It is noted with interest that, according to the information provided in the report of the State party, the provisions of the Convention take precedence over any conflicting national law.

7. The wide range of dissemination and training activities undertaken by the authorities in the field of human rights, including activities to prevent and combat racial discrimination, are welcomed.

8. The declaration made by the Republic of Korea under article 14, paragraph 1, of the Convention, recognizing the competence of the Committee to receive and consider communications from individuals or groups, is welcomed, as well as the State party's ratification of the amendment to article 8, paragraph 6, of the Convention.

C. Principal subjects of concern

9. While acknowledging that the envisioned Human Rights Act is intended to contain provisions covering all legal obligations set out in articles 2 and 4 of the Convention, the Committee remains concerned that neither the Constitution nor any law of the State party explicitly prohibits discrimination on the basis of race, colour, descent, or national or ethnic origin, and that no law contains provisions explicitly penalizing acts of racial discrimination or prohibiting organizations which promote and incite racial discrimination.

10. The absence of information in the State party's report regarding acts of racial discrimination as well as on action to prevent racial segregation in the light of General Recommendation XIX is regarded as a shortcoming.

11. The Committee notes that information provided with regard to article 5 of the Convention covered only labour-related rights. As a result, the Committee has been unable to form an opinion on the actual situation regarding the equal enjoyment by all persons of the other rights set forth in article 5 of the Convention.

12. The Committee is concerned at the vulnerable situation of foreigners with irregular status who live and work in the country, usually under difficult and precarious conditions. Such persons are victims of discrimination, in violation of article 5 of the Convention, notably paragraphs 5 (d) and (e).

13. While acknowledging the efforts undertaken by the State party to improve the status of foreigners, concern is expressed about discrimination against people of foreign origin who were born and have settled in the Republic of Korea. De facto discrimination against Amerasian children and against Korean women married to asylum seekers is also of concern.

D. Suggestions and recommendations

14. The Committee recommends that the State party take all appropriate legislative measures to ensure that articles 2 and 4 of the Convention are fully reflected in domestic law. In this regard, it suggests that the Human Rights Act that is to be enacted before the end of 1999 explicitly prohibit discrimination on the basis of race, colour, descent, or national or ethnic origin, declare such acts illegal and penalize them, as prescribed in article 4 of the Convention. Additionally, the Committee requests that the State party submit, together with its next periodic report, the full texts of all new legislation adopted to prevent and combat discrimination.

15. The Committee recommends that the next report of the State party should include information on legislative and practical measures taken by the authorities to ensure respect for the provisions of article 5 of the Convention.

16. While acknowledging the fact that the State party has recently taken measures to improve the status of foreign "industrial trainees" and other foreigners working in the country, the Committee suggests that the Government of the Republic of Korea take further measures against discrimination in the labour conditions of foreign workers. The Committee also recommends that measures be taken to improve the situation of all migrant workers, particularly those with irregular status.

17. The Committee recommends that further measures be taken to ensure that persons of foreign origin who were born or have settled in the Republic of Korea are not subject to discrimination based on ethnic origin. The Committee recommends that the State party take all appropriate measures, including awareness-raising campaigns, to protect women married to asylum seekers and children of mixed marriages, particularly Amerasian children, from racial discrimination or racial prejudice.

18. Noting that no cases of racial discrimination have reached the courts or administrative bodies, the Committee recommends to the State party to increase its efforts to provide easy access to existing recourse mechanisms dealing with relevant provisions of the Convention, including the procedure set out in its article 14.

19. The Committee recommends that the State party provide legal aid to victims of acts of racial discrimination and facilitate access to recourse procedures by vulnerable groups.

20. The Committee suggests that the State party allocate more resources to facilitate dissemination, education and training in order to promote the principles and objectives of the Convention. In this regard, it recommends that the State party take appropriate steps to widely disseminate its report, along with the present concluding observations of the Committee, in the Republic of Korea.

21. The Committee recommends that the next periodic report of the State party be an updating report dealing with the suggestions and recommendations of the present concluding observations.

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Concluding observations of the Committee on the
Elimination of Racial Discrimination

Finland

1. The Committee considered the thirteenth and fourteenth periodic reports of Finland (CERD/C/320/Add.2), at its 1309th and 1310th meetings (CERD/C/SR.1309-1310), held on 3 and 4 March 1999, and adopted, at its 1326th meeting (CERD/C/SR.1326), held on 16 March 1999, the following concluding observations.

A. Introduction

2. The Committee notes with appreciation that the State party has submitted a detailed and comprehensive report which complies with the Committee's general guidelines and addresses the different issues raised by the Committee in its previous concluding observations. The Committee also appreciates the additional information provided by the State party's delegation during its oral presentation, as well as the constructive dialogue that the Finnish Government maintains with the Committee.

B. Positive aspects

3. It is noted with satisfaction that since the examination of its eleventh and twelfth periodic reports, the State party has taken further measures to combat racial discrimination. At the regional level, Finland has ratified the Framework Convention for the Protection of National Minorities of the Council of Europe. At the national level, a Ministerial Group on Good Ethnic Relations and an Anti-Racism Committee have been established. The Council of State adopted the Decision-in-Principle on Measures for Promoting Tolerance and Combating Racism, which was preceded by the Action Plan against Racism, as

well as the Decision-in-Principle for the Government Programme on Immigration and Refugee Policy. In addition, a new Act on the integration of immigrants and reception of asylum seekers has been drafted, as well as amendments to the Aliens' Act providing immigrants, inter alia, with an extended right of appeal and facilitating the reunification of families.

4. The large representation of immigrant groups and traditional national minorities in the new Advisory Board for Ethnic Relations as well as their participation in the Commission against Racism, Xenophobia, Anti-Semitism and Intolerance is also welcomed.

5. The recent legislation ensuring enjoyment by immigrant children of their right to education, as well as the measures taken to facilitate education of immigrants in their own language, are welcomed. Measures to facilitate the education of the Sami and Roma people in their own language are similarly welcomed.

6. Preparations for the establishment of the post of an Ombudsman against Ethnic Discrimination to replace the Ombudsman for Aliens are also welcomed.

7. It is noted with satisfaction that the State party shares many of the Committee's concerns and that non-governmental organizations were given the opportunity to send written statements for the preparation of the thirteenth and fourteenth periodic reports of Finland.

C. Principal subjects of concern

8. Concern is expressed at the growing number of racist acts occurring in the country, a fact recognized by the State party itself. Despite this increase, in relatively few instances have judicial proceedings been initiated with respect to incidents of racial discrimination, including those in the labour market.

9. The Committee expresses its concern that article 4 of the Convention is not fully complied with, since there is no provision in the Finnish legislation prohibiting and punishing organizations which promote and incite racial discrimination. Moreover, the Penal Code contains no provision declaring any dissemination of ideas based on racial superiority or hatred to be an offence punishable by law.

10. It is regretted that the question of land ownership of the Sami has not yet been settled and that, as a result, Finland has not yet ratified ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries.

11. Concern is also expressed over the situation of immigrants and the Roma minority, particularly with respect to housing, the high rate of unemployment and education problems.

12. Incidents involving denial of access to public places for some persons on the basis of their ethnic or national origin, contrary to article 5 (f) of the Convention, continue to be a matter of concern.

D. Suggestions and recommendations

13. The Committee recommends the amendment of the Penal Code in order to fully implement article 4 of the Convention. The Code should, in particular, contain provisions declaring illegal and prohibiting organizations which promote and incite racial discrimination, as well as declaring the dissemination of ideas based on racial superiority or hatred, an offence punishable by law. Due consideration should be given in this respect to the Committee's General Recommendation VII relating to the implementation of article 4 of the Convention.

14. The Committee recommends that the State party redouble its efforts towards the resolution of the land dispute concerning the Sami as soon as possible, in a manner that does justice to the claims of the Sami.

15. Additional measures should be taken at the State and municipal levels to alleviate the situation of the Roma minority and of immigrants with respect to housing, employment and education.

16. In accordance with article 5 (f) of the Convention, appropriate action should be taken to ensure that access to places or services intended for use by the general public is not denied to any person on grounds of national or ethnic origin.

17. Efforts should be made to increase the number of quota refugees. It is recommended that the quota system be applied without discrimination based on race or ethnic origin.

18. The State party is requested to provide information, in its next periodic report, on the extent to which members of vulnerable groups are in practice protected from the forms of discrimination listed in the Convention. Information should also be provided on cases concerning individuals who have been prosecuted for acts of racism, including membership in or collaboration with racist organizations or groups, as well as on compensation provided to victims of racial discrimination, especially in the labour market.

19. Furthermore, the next periodic report should also contain information on measures taken and progress achieved concerning the implementation of the Decision-in-Principle on Measures for Promoting Tolerance and Combating Racism.

20. The Committee invites the State party to make its report and the Committee's concluding observations and summary records thereon widely available in Finland. The possibility of holding a seminar in this respect is welcomed. The accepted individual communications procedure under article 14 of the Convention should also be widely publicized.

21. The Committee recommends that the State party's next periodic report, due on 13 August 1999, be an updating report, and that it address the matters raised in the present concluding observations.

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the
Elimination of Racial Discrimination

Portugal

1. The Committee considered the fifth to eighth periodic reports of Portugal (CERD/C/314/Add.1), at its 1311th and 1312th meetings (CERD/C/SR.1311 and 1312), held on 4 and 5 March 1999, and adopted, at its 1328th meeting (CERD/C/SR.1328), held on 17 March 1999, the following concluding observations.

A. Introduction

2. The Committee welcomes the opportunity to resume its dialogue with the State party after a lapse of eight years. The Committee notes with appreciation that the report submitted by the State party is a comprehensive document which largely complies with the Committee's general guidelines. The Committee welcomes the frank and self-critical approach of the report, the constructive dialogue with the State party's delegation and the additional information in response to the questions raised by the members of the Committee, which reflect the serious commitment of the State party to implementing the provisions of the Convention.

B. Positive aspects

3. The efforts undertaken and the innovative measures adopted by the State party to combat racial discrimination are welcomed, as is the State party's willingness to recognize existing problems and to find appropriate solutions, both legislative and administrative. The Committee notes with appreciation that since the examination of the previous reports, a new Penal Code (1995) has been adopted which brings domestic legislation more into conformity with the Convention. It also notes with interest that the Portuguese Constitution was amended in 1997.

4. The Committee welcomes the information provided by the State party that the Convention is directly applicable in the Portuguese legal system and that it takes precedence over domestic legislation.

5. The Committee welcomes the enactment of Decree 296-A/95 of 17 November 1995 providing for the appointment of the High Commissioner for Immigration and Ethnic Minorities whose ultimate objective is to prevent xenophobia, intolerance and discrimination and to promote a dialogue with immigrants and ethnic communities. The initiatives taken by the High Commissioner in the sphere of training, education and information are appreciated.

6. The Committee notes with appreciation the State party's efforts to promote equal opportunity for Roma (Gypsies) and their better integration in society. The Committee notes, in particular, the establishment in 1996 of the Working Group for the Equality and Insertion of Gypsies, under the authority of the High Commissioner, and the existence of "Gypsy mediators" with the task of ensuring liaison between the Roma (Gypsy) community and the public and private sectors.

7. The Committee commends the State party's initiatives in 1992 and 1996 to regularize the situation of a large number of clandestine immigrants in order to allow them fully to enjoy their social, economic and cultural rights, particularly in regard to work, social services and access to housing.

8. With respect to article 7 of the Convention, the Committee welcomes the information given by the State party regarding its efforts to develop educational programmes for law enforcement officials, including human rights training in general and training concerning the provisions of the Convention in particular.

D. Principal subjects of concern

9. The Committee expresses its concern at manifestations of xenophobia and racial discrimination, including acts of violence directed against certain ethnic groups, particularly Blacks, Roma (Gypsies), immigrants and foreigners frequently perpetrated by skinheads, although the Committee acknowledges the efforts of the State party to combat such acts.

10. While noting that article 46, paragraph 4 of the Constitution of Portugal, as well as Law No. 64/78, prohibits racist organizations or organizations adhering to a fascist ideology, the Committee also expresses its concern that article 4 of the Convention is not fully complied with, since the protection thus provided for by law does not cover the wide variety of racist organizations that may exist or develop.

11. With regard to article 5 of the Convention, the report does not contain sufficient information to allow an evaluation of the practical implementation of the right to access to and equal treatment before the courts. The Committee expresses its apprehension concerning the de facto enjoyment of these rights by, in particular, Roma (Gypsies), Blacks, immigrants and foreigners.

E. Suggestions and recommendations

12. The Committee recommends that further measures be taken to harmonize domestic legislation with the provisions of the Convention. In this respect, it is recommended, in particular, that appropriate measures be taken to prohibit all organizations and groups, whether or not of fascist ideology, which promote racist ideas or objectives, in order to ensure that article 4 of the Convention is fully complied with.

13. It is also recommended that the State party continue and intensify its measures aimed at preventing and prosecuting any act or manifestation of racial discrimination or xenophobia, including acts of violence against certain ethnic groups, particularly Blacks, Roma (Gypsies), immigrants and foreigners.

14. The Committee suggests that further action be taken to ensure that the provisions of the Convention are more widely publicized, particularly among Roma (Gypsies), Blacks, immigrants and foreigners.

15. The Committee recommends that the State party in its next periodic report provide detailed and relevant information on the demographic composition of the Portuguese population, in accordance with paragraph 8 of the Committee's reporting guidelines.

16. The State party is invited to provide further information on the following issues: (a) complaints and court cases relating to racial discrimination; (b) the enjoyment in practice of the right to access to and equal treatment before the courts, in particular by Roma (Gypsies), Blacks, immigrants and foreigners; (c) activities undertaken by the High Commissioner for Immigration and Ethnic Minorities; (d) additional measures undertaken to combat manifestations of xenophobia and racial discrimination, including acts of violence directed against certain ethnic groups; and (e) the results of integration programmes established in connection with the regularization of the situation of clandestine immigrants in 1992 and 1996.

17. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention adopted on 15 January 1992 at the Fourteenth Meeting of State Parties to the Convention.

18. It is noted that the State party has not yet made the declaration provided for in article 14 of the Convention, and some members of the Committee request that the State party consider the possibility of making such a declaration.

19. The Committee requests that the State party give wide publicity to its report to the Committee, as well as to the present concluding observations.

20. The Committee recommends that the State party's next periodic report, due on 23 September 1999, be an updating report and that it address all the points raised in these concluding observations and during the consideration of the report.

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UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the
Elimination of Racial Discrimination

Italy

1. The Committee considered the tenth and eleventh periodic reports of Italy (CERD/C/317/Add.1) at its 1315th and 1316th meetings (CERD/C/SR.1315-1316), held on 8 and 9 March 1999. At its 1330th meeting, held on 18 March 1999 (CERD/C/SR.1330), it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the tenth and eleventh periodic reports, submitted in one document, and the opportunity to resume its dialogue with the State party. The Committee notes with satisfaction the regularity with which the State party has submitted its reports to the Committee. The Committee particularly appreciates the open, fruitful and constructive dialogue with the representatives of the State party and the additional information provided orally to the wide range of questions asked by members.

B. Factors and difficulties impeding the implementation of the Convention

3. The Committee acknowledges that recent events in neighbouring countries, particularly the former Yugoslavia and Albania, have resulted in a large and sudde.. influx of immigrants to Italy.

C. Positive aspects

4. The Committee welcomes the stated intention of the State party to reform its law so that workers who are not citizens of member States of the European Union (EU) and who leave Italy may request payment of social security contributions made during the period of their employment in Italy.

5. The Committee welcomes the adoption of Law 40 of 6 March 1998, aiming at solving globally and systematically all issues concerning foreigners on Italian territory, as well as the legal provisions on immigrants and foreigners contained in Decree-Law 286 of 25 July 1998.

6. The Committee notes with appreciation the measures taken by the State party to regularize the situation of a large number of foreigners living in Italy, including the regularization of de facto family reunifications.

7. The Committee welcomes the efforts made by the State party in the area of education. Of particular significance are the measures taken to facilitate access to education for children of different cultural and linguistic backgrounds. The Committee also expresses its appreciation for the programmes of inter-racial tolerance which have been introduced in Italian schools and the additional subjects offered to non-EU pupils.

8. The Committee welcomes the statement of the representatives of the State party indicating the intention of the Government of Italy to ratify article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention.

D. Principal subjects of concern

9. Concern was expressed about the continuation of incidents of racial intolerance, including attacks against foreigners of African origin and against Roma people, which are sometimes not recognized by the authorities as having a racial motivation or are not prosecuted.

10. Another subject of concern is the lack of information concerning the implementation of article 6 of the Convention, despite requests to this end made by the Committee in the concluding observations of the report of the State party (see A/50/18, para. 105).

11. In light of reports indicating discrimination against persons of Roma origin, including children, in a number of areas, in particular housing, concern is expressed at the situation of many Roma who, ineligible for public housing, live in camps outside major Italian cities. In addition to a frequent lack of basic facilities, the housing of Roma in such camps leads not

only to physical segregation of the Roma community from Italian society, but to political, economic and cultural isolation as well.

12. Concern is also expressed that in a draft law on minorities presently being considered by the Senate, the Roma are not considered as a minority group and thus would not benefit from the protection offered by the law.

13. In connection with reports of acts of violence and ill-treatment by police and prison guards against foreigners and members of minorities in detention, concern was also expressed about the apparent lack of appropriate training for law enforcement officials and other public officials regarding the provisions of the Convention.

E. Suggestions and recommendations

14. The Committee recommends that the State party strengthen its efforts towards preventing and prosecuting incidents of racial intolerance and discrimination against foreigners and Roma people, as well as ill-treatment of foreigners and Roma in detention.

15. The Committee also recommends that State authorities give more attention to the situation of Roma in Italy, with a view to averting discrimination against them.

16. The Committee recommends that the State party include in its next report statistical data on the ethnic composition of the country. The Committee would particularly appreciate data on the percentage of Italian citizens of foreign origin and the numbers of non-citizens living in Italy.

17. The Committee recommends that the next report include information on the implementation of article 6 of the Convention, including the number of cases dealt with by the relevant authorities and courts of justice.

18. The Committee recommends that the State party consider intensifying education and training of law enforcement officials, in accordance with article 7 of the Convention and General Recommendation XIII of the Committee.

19. While acknowledging the various governmental bodies dealing with minority issues and racial discrimination, the Committee would welcome the establishment of a national human rights commission to address such concerns.

20. With regard to the declarations made by the State party regarding articles 4 and 6 of the Convention, the Committee recommends that the State party consider withdrawing these declarations.

21. The Committee recommends that the State party widely disseminate its report and the present concluding observations. The Committee recommends that the next periodic report of the State party, due on 4 February 1999, address the suggestions and recommendations of the concluding observations.

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UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the Elimination of Racial Discrimination

Peru

1. The Committee considered the twelfth and thirteenth periodic reports of Peru (CERD/C/298/Add.5) at its 1317th and 1318th meetings (CERD/C/SR.1317 and 1318), held on 9 and 10 March 1999, and adopted the following concluding observations at its 1330th meeting on 18 March 1999 (CERD/C/SR.1330).

A. Introduction

2. The Committee welcomes Peru's submission of its twelfth and thirteenth periodic reports and the opportunity thus afforded to pursue a dialogue with the State party. The Committee thanks the State party for having sent a high-level delegation, led by the Minister of Justice, which provided additional information in reply to the many questions raised by the members of the Committee during the consideration of the report.

B. Positive aspects

3. The Committee takes note with satisfaction of the information provided on the marked decrease in the activities of subversive groups and on the fall in the number of complaints concerning human rights violations.

4. It also takes note with satisfaction of the information provided by the State party on the improvement in the country's economic situation.

5. It takes note with interest that Peru supports Agenda 21, adopted at the United Nations Conference on Environment and Development, one chapter of which deals with the role of indigenous communities and environmental preservation. Peru also took part in the establishment of a Special Commission on Indigenous Affairs in Amazonia and supported the creation of the Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean.

6. The Committee takes note of the agreement reached with the International Labour Organization on the setting up of a special programme for the protection of indigenous communities, under which complaints concerning violations of human rights can be investigated and prosecuted.

7. The inclusion in school syllabuses of material intended to prevent racial discrimination is also noted with interest.

8. The Committee expresses satisfaction at the establishment of the Office of the Ombudsman and of its programme of activities for the indigenous population.

9. The Committee is pleased that Peru has made the optional declaration provided for in article 14 of the Convention, thereby accepting the procedure for individual communications.

C. Principal subjects of concern

10. The Committee regrets that the report provides only a partial response to the observations and recommendations made when the previous report was considered in 1995.

11. The Committee would like to know if the changes brought about by the 1993 Constitution regarding the status of international treaties, including the Convention, as opposed to national norms, could be detrimental to the implementation of the Convention.

12. The Committee notes with concern the close relationship between socio-economic underdevelopment and the phenomena of ethnic or racial discrimination against part of the population, chiefly the indigenous and peasant communities. In this respect, the Committee regrets the absence in the periodic report of information on the socio-economic indicators relevant to the situation of populations of indigenous, peasant or African origin. It nevertheless notes that the report acknowledges shortcomings in areas such as housing and health.

13. With regard to the implementation of article 2 of the Convention, the Committee reiterates its observations concerning the lack of information enabling it to know how the constitutional provisions guaranteeing the protection of the right to freedom from discrimination on racial or ethnic grounds are applied in practice.

14. With regard to article 4 of the Convention, the Committee notes with concern the lack of specific legislative provisions aimed at giving full effect to the Convention, though it acknowledges the existence of legislative initiatives aimed at making up for that lack.

15. The Committee regrets the absence of information on the number of complaints and court decisions concerning acts of racism and on the reparation awarded as a result. It notes with concern that in the cases brought before the courts, it was reportedly entirely up to the plaintiff to prove discrimination.

16. With respect to the right to equal treatment before the courts, the Committee notes with concern reports that interpreters are not in practice available to monolingual indigenous people and that legislation has not been translated into indigenous languages.

17. It is also worrying to learn that people who are in fact subjected to all sorts of pressure, from both subversive groups and the forces of law and order, are being charged with aiding and abetting terrorists. Allegations have further been made that indigenous communities are being forced to set up self-defence committees under the armed forces and that young people from the most underprivileged sectors of the population are being conscripted by force.

18. The Committee takes note of reports that the indigenous population, the members of which often have no identity papers and are illiterate, is thus deprived of the possibility of exercising its civic and political rights.

19. The Committee takes note of the information on major shortcomings in the health services provided for the rural population in the Andes and in Amazonia, and of the allegations of forced sterilization of women belonging to indigenous communities. It also takes note of reports that there is a difference of almost 20 years between the life expectancy of people of indigenous origin and that of the rest of the population.

20. With regard to the right to employment, the Committee takes note with concern of the reports that access to jobs and promotions is often influenced by racial criteria, while certain minor or disparaged jobs are left to persons of indigenous or African origin.

21. With regard to the right of access to all public places, the Committee takes note of the promulgation in late 1998, following complaints of discriminatory practices in that respect, of legislation prohibiting the owners of establishments open to the public from screening their clients on racial grounds. The Committee regrets, however, that this prohibition is not yet accompanied by any form of penalty.

22. The Committee is concerned about reports that the 1993 Constitution no longer totally guarantees that the communal property of indigenous populations is inalienable and unavailable for use.

23. With regard to the right to education, the Committee regrets the absence of information in the report on the number of children from communities of indigenous, peasant or African origin not attending school.

D. Suggestions and recommendations

24. Measures should be taken to guarantee the right of the most underprivileged members of the population to benefit from all the rights listed in article 5 of the Convention and the right to equal treatment before the courts and in the exercise of their political rights.

25. The Committee recommends that the State party bring its penal legislation into line with the provisions of the Convention, in particular with regard to article 4.

26. Programmes of instruction in human rights intended for justice administration personnel and members of the security forces should include training in the prevention of and protection against racial discrimination.

27. The Committee recommends that the State party take measures aimed at establishing a genuine dialogue between the Government and non-governmental organizations in the fight against racial and ethnic discrimination.

28. In its next report, the State party should provide information on, inter alia: (a) the ethnic make-up of the population, insofar as such information is available; (b) socio-economic indicators relevant to the situation of populations of indigenous, peasant or African origin; (c) the progress made to the benefit of those people on each of the rights listed in article 5 of the Convention; (d) the measures of legislative reform taken with a view to full compliance with the requirements of article 4 of the Convention and the punishment of all forms of racial and ethnic discrimination; (e) the follow-up to complaints from the victims of racial and ethnic discrimination and to their requests for reparation, in accordance with article 6 of the Convention; (f) the measures taken to train agents responsible for the implementation of legislation in terms of tolerance and inter-ethnic and inter-racial understanding; (g) the measures taken to spread knowledge of the Convention and to publicize the Committee's reports and concluding observations.

29. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention.

30. The Committee recommends that the State party's next report, which was due on 29 October 1998, be an updating report and that it should cover all the suggestions and recommendations made in these concluding observations.

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UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the Elimination of Racial Discrimination

Syrian Arab Republic

1. The Committee considered the twelfth, thirteenth, fourteenth and fifteenth periodic reports of the Syrian Arab Republic (CERD/C/338/Add.1/Rev.1) at its 1319th and 1320th meetings (CERD/C/SR.1319-1320), held on 10 and 11 March 1999. At its 1332nd meeting (CERD/C/SR.1332), held on 19 March 1999, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the twelfth, thirteenth, fourteenth and fifteenth periodic reports submitted by the Government of the Syrian Arab Republic in one document and the introductory presentation made by the delegation as well as the opportunity thus offered to recommence its dialogue with the State party after eight years. Nevertheless, the Committee regrets that the report did not follow the guidelines; the information was too concise and did not take into consideration the Committee's concluding observations relating to the previous report of the State party for the submission of a comprehensive report. The Committee expresses its appreciation for the constructive dialogue with the delegation and the additional information provided in response to the questions asked.

B. Factors and difficulties impeding the implementation of the Convention

3. The Committee notes that the State party, as a result of the Israeli occupation of part of its territory, is not in a position to exercise control

over all its territory and consequently cannot ensure the implementation of the Convention in the Golan Heights. The Committee also takes note of the difficulties caused by the fact that the State party has hosted a great number of refugees for several decades. It is also noted that the state of emergency, which continues to be in force in the State party, militates against the unrestricted implementation of some of the provisions of article 5 of the Convention.

C. Positive aspects

4. The Committee expresses its satisfaction at the fact that the international conventions to which the State party has acceded, including the International Convention on the Elimination of All Forms of Racial Discrimination, have become an integral part of its domestic legislation and are binding on the judicial and other authorities of the State.

5. Efforts made by the State party to host Palestinian refugees, of whom 351,189 have been registered, and letting them retain their identity are also noted with satisfaction.

6. The Committee notes with satisfaction that the State party's Penal Code (arts. 305, 307 and 109) reflects most of the provisions enshrined in article 4 of the Convention.

7. The Committee welcomes the information contained in the report concerning educational measures which provide for the inclusion of the teaching of human rights, including the need to combat and condemn racial discrimination, in school curricula. Satisfaction is also expressed in relation to the efforts undertaken by the State party to raise awareness and promote action against all forms of racial discrimination; the Committee notes, in this regard, the establishment of a human rights committee in every school in order to promote the principles of tolerance and peaceful coexistence among different ethnic groups in the State party.

8. The Committee also notes with satisfaction that the State party has ratified the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention.

D. Principal subjects of concern

9. While the Committee acknowledges the State party's efforts to protect the rights of ethnic national minorities, particularly Armenians, Palestinians and Jews, it is still concerned about the stateless status of a large number of persons of Kurdish origin, who are alleged to have entered the Syrian Arab Republic from neighbouring countries from 1972 to 1995 and who are said to number 75,000.

10. The Committee is concerned about Syrian-born Kurds, who are considered either as foreigners or as maktoumeen (unregistered) by the Syrian authorities and who face administrative and practical difficulties in acquiring Syrian nationality, although they have no other nationality by birth.

E. Suggestions and recommendations

11. The Committee encourages the State party to continue to explore ways of providing protection to all ethnic or national groups living in the Syrian Arab Republic and recommends that the State party include in its next report data on the ethnic composition of the population and on persons residing in the Syrian Arab Republic who are non-Palestinian refugees. Information on their socio-economic situation would also be appreciated.

12. In the light of article 3 of the Convention and General Recommendation XIX, the Committee encourages the State party to monitor developments which may give rise to racial segregation and to work for the eradication of any negative consequences that ensue from such developments.

13. In order to be able to evaluate the implementation of articles 4 and 6 of the Convention, the Committee requests the State party to present information on the number of complaints, judgements and compensation awards arising from acts of racial discrimination.

14. The Committee recommends further action to protect the rights of all persons belonging to ethnic and national groups to enjoy, without discrimination, the civil and political rights listed in article 5 of the Convention, notably the right to nationality and cultural self-expression. In particular, the Committee recommends that the State party review its legislation on nationality in order to find an expeditious solution to the situation of Syrian-born Kurds and refugee children born in the Syrian Arab Republic.

15. The Committee recommends that the State party undertake preventive measures, such as training programmes for law enforcement officials and security authorities, which will strengthen the implementation of the Convention, in accordance with article 7 of the Convention and General Recommendation XIII of the Committee, with a view to preventing human rights violations such as arbitrary arrests, detention, and disappearances of stateless refugees and foreigners.

16. Some members of the Committee requested that the State party consider the possibility of making the declaration provided for in article 14 of the Convention.

17. The Committee recommends that the State party's next periodic report, due on 21 May 2000, be a comprehensive report, following the reporting guidelines established by the Committee.

18. The Committee suggests to the State party that the report and the present concluding observations be widely distributed to the public.

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Concluding observations of the Committee on the
Elimination of Racial Discrimination

Costa Rica

1. The Committee considered the twelfth to fifteenth periodic reports of Costa Rica (CERD/C/338/Add.4), at its 1321st and 1322nd meetings (CERD/C/SR.1321 and 1322), held on 11 and 12 March 1999, and adopted, at its 1331st meeting (CERD/C/SR.1331), held on 18 March 1999, the following concluding observations.

A. Introduction

2. The Committee welcomes the opportunity to resume its dialogue with the State party after a lapse of seven years. The Committee is satisfied with the frank and constructive approach taken by the representatives of the reporting State in their dialogue with the Committee and for the additional information provided orally.

B. Positive aspects

3. The Committee welcomes the information provided by the State party that the Convention is directly applicable in the Costa Rican legal system and that it takes precedence over domestic legislation.

4. The Committee notes with interest the State party's efforts to promote equal opportunity for the indigenous population, and in particular the ratification of ILO Convention 169 on Indigenous and Tribal Peoples (1989), the existence of the National Indigenous Affairs Commission (CONAI) and the Office of the Ombudsman and the bill for the autonomous development of the indigenous people, which has been presented before the Legislative Assembly.

5. The Committee notes with appreciation that, even in times of economic crisis or natural disaster, the State party has traditionally maintained a generous refugee and immigration policy. It notes with particular interest that a "migratory amnesty" is currently in force, from 1 February 1999 to 31 July 1999, allowing for the regularization of the situation of a large number of clandestine immigrants in order to ensure their enjoyment of social, economic and cultural rights, particularly in regard to work.

C. Principal subjects of concern

6. While noting the concern of the State party to eliminate any difference of treatment in law not based on rational elements, the Committee is preoccupied that the legislation of Costa Rica does not contain explicit norms forbidding discrimination on the grounds of national or ethnic origin.

7. While noting that Act No. 4430 of 21 May 1968 and Act No. 4466 of 19 November 1969 render punishable by a fine any racial segregation with regard to the admission of people of different races to public or private places, the Committee is concerned that the financial penalties thus provided for do not constitute a sufficiently effective measure to prevent, prohibit and eradicate all practices of racial segregation, as required by article 3 of the Convention.

8. With regard to article 4 of the Convention, the Committee is concerned about the lack of specific and adequate legislative provisions prohibiting racial discrimination by private groups or associations. It stresses that article 2, paragraph 1 (d), of the Convention makes it an obligation for States parties to prohibit racial discrimination committed not only by individuals but "by any persons, group or organization".

9. The Committee notes with concern recent manifestations of xenophobia and racial discrimination, largely focused on immigrants, in particular Nicaraguans. In this context, the Committee also expresses its concern about the vulnerable status of refugees and clandestine immigrants, who often live and work in the country in precarious conditions, and who frequently become victims of discrimination in the terms of article 5 of the Convention, in particular paragraph 5 (e).

10. The Committee remains concerned at the situation with regard to the land rights of indigenous peoples in the State party. Despite the efforts made, problems relating to the allocation of land and/or compensation persist. Of special concern have been confrontations arising over the ownership of property, in the course of which indigenous people were killed and vandalism occurred, as in the case of Talamanca.

11. Noting that few cases of racial discrimination have reached the courts or administrative bodies, the Committee is concerned about the effective access to protection and remedies against any acts of racial discrimination of, in particular, the indigenous population, the black minority, refugees and immigrants.

12. The Committee notes with concern that the report of the State party is devoted mainly to the existing legal and administrative framework for ensuring protection against racial discrimination, whereas insufficient information is given to allow an evaluation of the effective enjoyment of the rights provided for by the Convention, in particular by the indigenous population, the black minority, refugees and immigrants.

13. With respect to article 7 of the Convention, the Committee notes that limited information has been given concerning the State party's undertaking to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudice which leads to racial discrimination.

D. Suggestions and recommendations

14. The Committee recommends that the State party take all appropriate legislative measures to ensure that articles 2 and 4 of the Convention are fully reflected in domestic law. In particular, the Committee emphasizes the importance of adequately prohibiting and penalizing acts of racial segregation and discrimination, whether they are committed by individuals or associations.

15. It is also recommended that the State party intensify its measures aimed at preventing and prosecuting any act or manifestation of racial discrimination or xenophobia, including acts of violence against persons belonging to ethnic and national minorities.

16. The Committee recommends that the next periodic report of the State party should include information on the scope and the implications of the new immigration legislation.

17. It is also recommended that the State party take immediate and appropriate measures to ensure the enjoyment of the provisions of article 5 of the Convention also by the indigenous population, the black minority, refugees and immigrants.

18. The Committee recommends that the State party intensify its efforts to ensure a fair and equitable distribution of land, taking into account the needs of the indigenous population. The Committee stresses the importance that the land holds for indigenous peoples and their spiritual and cultural identity, including the fact that they have a different concept of land use and ownership. In this regard, the approval by the Legislative Assembly of the bill for the autonomous development of indigenous people would be of great importance.

19. With regard to article 6 of the Convention, the Committee recommends that the State party make additional efforts to facilitate equal access to the courts and administrative bodies, in particular for the indigenous population, the black minority, refugees and immigrants, in order to ensure equality for all persons.

20. The State party is invited to provide further information on the following issues: (a) the effective enjoyment of the rights set out in the Convention, in particular by the indigenous population, the black population, refugees and immigrants and; (b) measures taken in the field of teaching, education, culture and information in order to combat racial discrimination, in compliance with article 7 of the Convention.

21. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6 of the Convention adopted on 15 January 1992 at the Fourteenth Meeting of State Parties to the Convention.

22. The Committee requests that the State party give wide publicity to its report to the Committee, as well as the present concluding observations.

23. The Committee recommends that the State party's next periodic report, due on 4 January 2000, be an updating report and that it address all the suggestions and recommendations contained in the present concluding observations.

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UNITED
NATIONS

CERD

International Convention on
the Elimination
of all Forms of
Racial Discrimination

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fifty-fourth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the
Elimination of Racial Discrimination

Kuwait

1. The Committee considered the thirteenth and fourteenth periodic reports of Kuwait, submitted in one document (CERD/C/299/Add.16 and Corr.1), at its 1325th and 1326th meetings (CERD/C/SR.1325-1326), held on 15 and 16 March 1999. At its 1331st meeting, held on 18 March 1999 (CERD/C/SR.1331), it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the report of Kuwait and the opportunity to resume its dialogue with the State party. The Committee notes with satisfaction the regularity with which the State party has submitted its reports to the Committee. The Committee also expresses its appreciation to the delegation of the State party for the additional information that it provided to the Committee orally and in writing.

B. Factors and difficulties impeding the implementation of the Convention

3. The Committee acknowledges that, as a result of the invasion and occupation of Kuwait by Iraq, the State party was subjected to serious difficulties which continue to affect the capacity of the State party to fully implement all of the provisions in the Convention.

C. Positive aspects

4. The Committee welcomes the steps taken by the State party to grant Kuwaiti nationality to a certain number of non-Kuwaitis. In particular, the Committee welcomes the amendment to article 7 of the Nationality Act (Decree No. 15 of 1959), which provides that children of naturalized fathers born after their father acquired Kuwaiti nationality are now regarded as being of Kuwaiti origin. This provision also applies to those born after the entry into force of that Act.

5. The Committee welcomes the establishment of an executive committee on undocumented persons in the country. It also notes with satisfaction the approval by the Council of Ministers of Decree No. 60/1997 granting Kuwaiti nationality to the children of martyrs, classified as bidoon (i.e. residing illegally in the country.

6. In connection with articles 2 and 4 of the Convention, the Committee welcomes the legislative proposal for the addition of two articles to the Penal Code of Kuwait. The first of these prohibits incitement to racial discrimination and the second stipulates that it is a punishable offence for public officials not to respect racial equality.

7. The Committee notes with appreciation the measures taken by the State party to protect the rights of foreign workers in Kuwait. In particular, the Committee welcomes the statement of the State party that it has ratified a large number of international conventions adopted by the International Labour Organization and the Arab Labour Organization with a view to protecting workers' rights.

8. In this regard, the Committee also welcomes the establishment of a Department of Domestic Labour Offices, as well as a Department to Regulate Recruitment Agencies, to monitor the employment of foreign domestic servants and to ensure that recruitment agencies act in a fair and just manner.

9. The Committee welcomes the establishment of a Committee for the Defence of Human Rights within the National Assembly, to monitor human rights issues in Kuwait.

D. Principal subjects of concern

10. While the Committee acknowledges the proposed amendment to the Penal Code in connection with article 4 of the Convention, it notes with concern that the Kuwaiti legislation is not in full compliance with the provisions of this article.

11. The Committee is still concerned about discriminatory measures in relation to vulnerable groups of foreigners, in particular, the treatment of foreign domestic servants.

12. The Committee is concerned by the fact that, in spite of efforts, the Government of Kuwait has not yet found a solution to the problems of the bidoon, the majority of whom are still stateless.

13. With regard to article 7 of the Convention, the Committee notes with concern the insufficient training for law enforcement officials and other public officials regarding the provisions of the Convention.

E. Suggestions and recommendations

14. The Committee recommends that the State party revise the Penal Code in order to introduce specific legislation to implement the provisions of article 4 of the Convention in accordance with General Recommendations VIII and XV of the Committee.

15. The Committee recommends that the State party improve administrative and legal measures to guarantee the enjoyment by individuals belonging to vulnerable groups of foreigners, notably domestic workers, of the rights enshrined in the Convention without any discrimination.

16. The Committee recommends that the State party find a solution to the problems faced by the bidoon and ensure the enjoyment of their rights without any discrimination, in accordance with articles 2 and 5 of the Convention.

17. The Committee recommends that the next report include information on the implementation of article 6 of the Convention.

18. The Committee suggests that the State party consider intensifying the education and training of law enforcement officials, in accordance with article 7 of the Convention and General Recommendation XIII of the Committee.

19. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States parties to the Convention.

20. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and some members of the Committee requested that the possibility of making such a declaration be considered.

21. The Committee recommends that the State party widely disseminate its report and the present concluding observations.

22. The Committee recommends that the next periodic report of the State party, due on 4 January 1998, be an updating report and address the suggestions and recommendations adopted by the Committee.

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
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Concluding observations of the Committee on the Elimination of Racial Discrimination

Mongolia

1. The Committee considered the eleventh to fifteenth periodic reports of Mongolia (CERD/C/338/Add.3) at its 1327th and 1328th meetings (CERD/C/SR.1327 and 1328), held on 16 and 17 March 1999. At its 1332nd meeting (CERD/C/SR.1332), held on 19 March 1999, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the eleventh, twelfth, thirteenth, fourteenth and fifteenth periodic reports submitted by the Government of Mongolia in one document and the introductory presentation made by the delegation, as well as the opportunity thus offered to recommence its dialogue with the State party. The Committee notes with satisfaction that the report followed the guidelines. Nevertheless, the Committee is of the view that the information in the report was too succinct and that the report did not include information on specific legal provisions or examples of the actual implementation of the Convention.

B. Factors and difficulties impeding the implementation of the Convention

3. The Committee notes that the State party is in a period of economical and political transition, and that the difficulties of this transition have a great impact on the population.

C. Positive aspects

4. The Committee expresses its satisfaction at the statement by the State party's delegation that the international conventions, including the International Convention on the Elimination of All Forms of Racial Discrimination, to which the State party has acceded, have become an integral part of its domestic legislation.

5. The Committee welcomes the enactment of the State party's Constitution (1992), which has included the prohibition of racial discrimination. The enactment of the Law of Mongolia on the Legal Status of Foreign Citizens (1993), which establishes equality between foreigners and Mongolian citizens in the exercise of their rights and freedoms, is also welcomed by the Committee.

6. The Committee welcomes the efforts of the State party to revise its domestic legislation in accordance with its new Constitution (1992). It also notes with satisfaction that the provisions of international instruments on human rights to which Mongolia is a party are duly taken into consideration in the process of legislative reform.

7. The Committee welcomes the information contained in the report concerning the Law on Education (1995), which prohibits racial discrimination in the field of education. Educational measures which provide for the inclusion in the school curricula of the teaching of human rights, including the need to combat and condemn racial discrimination, are also welcomed by the Committee.

8. The Committee also expresses satisfaction at the efforts undertaken by the State party to raise awareness of and promote action against all forms of racial discrimination.

9. The Committee welcomes the State Policy on Culture (1996), adopted by the State Great Hural of Mongolia, which provides means to ensure the preservation, respect, enrichment and development of the heritage, culture and traditions of ethnic groups.

10. The Committee notes with appreciation the State party's implementation of international cooperation programmes in the field of human rights education, in cooperation with the Office of the United Nations High Commissioner for Human Rights.

D. Principal subjects of concern

11. While the Committee notes with appreciation the State party's efforts in the field of legislative reform, it remains concerned about the lack of comprehensive legislation to combat discrimination based on race, colour, descent, or national or ethnic origin.

12. Although the Committee notes that the State party's report includes information on the demographic composition of Mongolia, it regrets the lack of information on the socio-economic situation of the different ethnic minority groups living in the State party.

13. The Committee notes that the State party's Criminal Code (art. 7) largely reflects the provision contained in article 4 (a) of the Convention. However, it remains concerned that the provisions of article 4 (b) and (c) of the Convention are not included in the Criminal Code.

14. Although the Committee notes that the State party's Constitution (1992) and the Law on the Legal Status of Foreign Citizens (1993) guarantee the rights enshrined in article 5 of the Convention, it expresses its concern at the absence of specific legislation to prohibit racial discrimination in the enjoyment of such rights.

15. While the Committee notes that article 19 of the State party's Constitution (1992) establishes the State's obligation to provide remedies in cases of human rights violations, it expresses its concern at the lack of specific legislation for the provision of compensation, as enshrined in article 6 of the Convention.

E. Suggestions and recommendations

16. The State party should give serious consideration to the enactment of a comprehensive law on ethnic minorities and combat discrimination based on race, colour, descent, or national or ethnic origin. The Committee recommends that the State party continue providing training programmes for law enforcement officials, in accordance with article 7 of the Convention and General Recommendation XIII of the Committee.

17. The Committee encourages the State party to continue exploring ways of providing specific protection to all ethnic groups living in its territory. The Committee further recommends that the State party include in its next report statistical data on the socio-economic situation of the different ethnic minority groups.

18. The Committee recommends that the State party take the necessary steps to comply fully with the provisions of article 4 of the Convention. In order to be able to evaluate the implementation of article 4 of the Convention, the Committee also recommends that the State party include in its next report the relevant articles of the Criminal Code.

19. The Committee recommends that the State party review its civil and penal legislation in order to bring it into full conformity with the principles and provisions of the Convention, in particular articles 5 and 6 of the Convention.

20. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention adopted on 15 January 1992 at the Fourteenth Meeting of State Parties to the Convention.

21. The Committee notes that the State party has not made the declaration provided for in article 14 of the Convention. Some members of the Committee requested that the State party consider the possibility of making such a declaration.

22. The Committee recommends that the State party's next periodic report, due on 20 April 2000, be an updating report, and take into account all the suggestions and recommendations contained in the present concluding observations.

23. The Committee suggests to the State party that the report and these concluding observations be widely distributed to the public.